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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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| In re Application of: Mohammad R. Mirabedini, et al. | ) Group Art Unit: 2823 |
| | ) Examiner: William D. Coleman |
| Serial No.: 10/659,134 | ) Atty. Docket No.: 03-0730 |
| Filed: September 10, 2003 | ) |
| For: Apparatus and Method of Manufacture for Integrated Circuit and CMOS Device Including Epitaxially Grown Dielectric on Silicon Carbide | ) |

**RESPONSE TO OFFICIAL ACTION**
**Restriction/Election Requirement**

Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This response is presented to the Office Action mailed June 14, 2005, wherein the Examiner required restriction pursuant to 35 U.S.C. §121. Election is hereby made, *with traverse*, to prosecute Group I, claims 1-9.

**Remarks/Arguments**

Reconsideration of the restriction is respectfully requested. Restriction is not required by 35 U.S.C. §121, as suggested in the Office Action. Congress wisely granted the *discretion* to restrict applications. According to 35 U.S.C, §121 "... the Commissioner *may* require the application to be restricted...." (emphasis added).

Furthermore, MPEP § 803 lists two criteria that must be present for restriction to be proper:

1) The inventions must be independent or distinct as claimed; and
2) There must be a serious burden on the examiner if restriction is required.

In searching the Species I claims, the class and subclass for the Species II claims will undoubtedly be searched, to ensure that no relevant art is overlooked. For this reason there is no significant burden on the examiner, and certainly no serious burden as required by MPEP §121.